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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,459	07/23/2003	Alan E. Stein	ITW7510.054	1458
33647 7590 02/01/2008 ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ITW) 136 S WISCONSIN ST PORT WASHINGTON, WI 53074			EXAMINER KERNS, KEVIN P	
			ART UNIT 1725	PAPER NUMBER
			NOTIFICATION DATE 02/01/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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In re application of

Stein et al.

Serial No. 10/604,459

Filed: July 23, 2003

For: Method And Apparatus To Adaptively Cool A  
Welding-Type System

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: DECISION ON  
: PETITION  
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This is a decision on request for reconsideration of the Petitions filed September 22, 2005 and February 3, 2006. A final rejection was mailed out July 19, 2005. Applicants filed a petition to withdraw the finality of the office action on September 22, 2005. The petition was denied on January 3, 2006. A reconsideration of the petition decision was filed February 3, 2006. The request for reconsideration was dismissed on March 15, 2006. The application was abandoned on March 15, 2006 for applicants' failure to timely file a proper reply in response to the Office Action of July 19, 2005. Applicants filed a response on September 22, 2005 and the examiner in his advisory action of January 12, 2006 considered Applicants reply but it did not place the application in condition for allowance. The applicants were informed that the period for reply expires 3 months from the mailing date of the final rejection dated July 19, 2005.

Applicants assert that that the abandonment was not proper because the applicant did file a response on September 22, 2005. However it should be noted that while applicants did file a response after final on September 22, 2005, the proposed reply did not constitute a proper reply under 37 C.F.R. 1.113(a) to the final rejection. A proper reply under 37 C.F.R. 1.113 to final rejection consists only of (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or a (3) a timely filed request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**DECISION**

The petition is **DENIED**.

*Jacqueline M. Stone*

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